

APPEAL NO. 031982
FILED SEPTEMBER 16, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 26, 2003. The hearing officer determined that the compensable injury of _____, does not include aggravation of degenerative disc disease. The appellant/cross-respondent (claimant) appeals this determination on sufficiency of the evidence grounds. The respondent/cross-appellant (carrier) did not respond, but filed a conditional cross-appeal, asserting that the hearing officer erred by not admitting Carrier's Exhibit No. 1. The claimant did not file a cross-response.

DECISION

Affirmed.

CLAIMANT'S APPEAL

The hearing officer did not err in determining that the compensable injury of _____, does not include aggravation of degenerative disc disease. The determination involved a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

CARRIER'S CONDITIONAL CROSS-APPEAL

As stated above, the carrier filed a conditional cross-appeal, asserting that the hearing officer erred by not admitting Carrier's Exhibit No. 1. In view of our affirmance of the hearing officer's extent-of-injury determination, the carrier is not aggrieved by the exclusion of Carrier's Exhibit No. 1. Accordingly, we decline to address the matter.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **GUIDEONE MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**DONALD E. PAGE
320 WESTWAY PLACE, SUITE 521
ARLINGTON, TEXAS 76018.**

Edward Vilano
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Chris Cowan
Appeals Judge